



## Environment (Montreal Protocol) Regulations 2021

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Sir Tom J. Marsters, KBE

Queen's Representative

### Order in Executive Council

At Avarua, Rarotonga this 7<sup>th</sup> day of December 2021

Present:

### His Excellency the Queen's Representative in Executive Council

Pursuant to section 70 of the Environment Act 2003, His Excellency the Queen's Representative, acting on the advice and with the consent of the Executive Council, makes the following regulations—

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#### Contents

|                                                                            |                                                                       |   |
|----------------------------------------------------------------------------|-----------------------------------------------------------------------|---|
| 1                                                                          | Title                                                                 | 2 |
| 2                                                                          | Commencement                                                          | 2 |
| 3                                                                          | Interpretation                                                        | 2 |
| <b>Part 1</b>                                                              |                                                                       |   |
| <b>Prohibitions relating to controlled substances</b>                      |                                                                       |   |
| 4                                                                          | Prohibition on importation of bulk controlled substances              | 5 |
| 5                                                                          | Prohibition on importation of certain goods                           | 5 |
| 6                                                                          | Exception in relation to packaging of imported goods                  | 6 |
| 7                                                                          | Exemptions in relation to imports                                     | 6 |
| 8                                                                          | Prohibition and restrictions on export of bulk controlled substances  | 6 |
| 9                                                                          | Prohibition on manufacture of controlled substances and certain goods | 6 |
| <b>Part 2</b>                                                              |                                                                       |   |
| <b>Permits, registration of refrigerant imports, and handling licences</b> |                                                                       |   |
| <i>Permits</i>                                                             |                                                                       |   |
| 10                                                                         | General principles to be applied in relation to permits               | 7 |
| 11                                                                         | Quarantine and pre-shipment permits                                   | 7 |
| 12                                                                         | Human health and safety permits                                       | 7 |
| 13                                                                         | Bulk HFC permits                                                      | 7 |
| 14                                                                         | General provisions in relation to permits                             | 8 |

|    |                                                                            |    |
|----|----------------------------------------------------------------------------|----|
|    | <i>Registration of importers of refrigerants and equipment</i>             |    |
| 15 | Importers of refrigerants and equipment must register                      | 9  |
|    | <i>Handling licence</i>                                                    |    |
| 16 | Handling licence                                                           | 9  |
| 17 | Provisions relating to handling licences                                   | 9  |
|    | <b>Part 3</b>                                                              |    |
|    | <b>Enforcement, offences, and miscellaneous</b>                            |    |
|    | <i>Seizure, forfeiture, and call-up of controlled substances and goods</i> |    |
| 18 | Seizure of substances and goods                                            | 10 |
| 19 | Forfeiture of seized substances and goods                                  | 11 |
| 20 | Call-up of substances and goods                                            | 11 |
|    | <i>Discharge of controlled substances</i>                                  |    |
| 21 | Discharge of controlled substance into atmosphere                          | 12 |
|    | <i>Offences and penalties</i>                                              |    |
| 22 | Offences and penalties                                                     | 12 |
|    | <i>Revocation</i>                                                          |    |
| 23 | Revocation                                                                 | 12 |
|    | <b>Schedule</b>                                                            |    |
|    | <b>Controlled substances</b>                                               |    |

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## Regulations

- 1 Title**  
These regulations are the Environment (Montreal Protocol) Regulations 2021.
- 2 Commencement**  
These regulations come into force on the day after the date these regulations are made.
- 3 Interpretation**
- (1) In these regulations, unless the context otherwise requires,—
- Act** means the Environment Act 2003
- aerosol spray** and **aerosol** mean any substance packed under pressure in a container with a device for releasing it directly into the atmosphere as a foam or fine spray or solid or liquid stream
- alternative substance** means a substance that is used instead of a controlled substance
- blowing agent** means any gas or volatile liquid introduced into liquid plastic to create bubbles for the purpose of forming plastic foam
- bromochloromethane** means the substance specified in Part 9 of the Schedule
- bulk**, in relation to any controlled substance,—
- (a) means any controlled substance that is acquired in a non-processed form whether alone or in a mixture;
- (b) includes any bulk recycled substance;
- (c) excludes any controlled substance that is in a manufactured product other than a container used for the transportation or storage of the substance
- bulk recycled substance**—

- (a) means any controlled substance that is acquired in a non-processed form, whether alone or in a mixture, and that has been recovered, cleaned, or reclaimed; but
- (b) excludes any controlled substance that is in a manufactured product other than a container used for the transportation or storage of the substance

**carbon tetrachloride** means the substance specified in Part 4 of the Schedule

**CFC** means any substance specified in Part 1 or Part 3 of the Schedule

**cleaned**, in relation to any bulk recycled substance, means a recovered substance that has been cleaned by filtering or drying

**controlled substance** means any substance specified in the Schedule,—

- (a) whether existing alone or in a mixture;
- (b) in its non-processed form, recovered, recycled, or reclaimed;
- (c) excluding any controlled substance or mixture that is in a manufactured product other than a container used for the transportation or storage of the substance

**Convention** means the Vienna Convention for the Protection of the Ozone Layer, and includes any amendments to, or substitutions of, that convention that are, or will become, binding on the Cook Islands from time to time

**Director** means the Director of the National Environment Service, Tu'anga Taporoporo

**export** means to take or cause to be taken out of the Cook Islands, and **exportation** has a corresponding meaning

**fire extinguisher** includes any permanently installed drench system in a building, ship, or aircraft

**global warming potential** means a numerical unit used to measure or emphasise the potential of a substance to contribute to an increase in global temperature

**halon** means any substance specified in Part 2 of the Schedule

**handle** means—

- (a) recovering, recycling, or reclaiming a controlled substance or its alternative; or
- (b) doing anything with a manufactured product that involves a risk of a controlled substance or an alternative substance being emitted into the atmosphere, including servicing, recharging, repairing, or decommissioning the product

**HBFC** means any substance specified in Part 6 of the Schedule

**HCFC** means any substance specified in Part 7 of the Schedule

**HFC** means any substance specified in Part 10 of the Schedule

**import** means to bring or cause to be brought into the Cook Islands, and **importation** has a corresponding meaning

**manufacture**, in relation to any controlled substance, means the process of creating a controlled substance but excludes any process that cleans or reclaims a bulk controlled substance

**methyl bromide** means the substance specified in Part 8 of the Schedule

**methyl chloroform** means the substance specified in Part 5 of the Schedule

**Montreal Protocol** means the Montreal Protocol on Substances that Deplete the Ozone Layer and includes any amendments to, or substitutions of, that Protocol that are, or will become, binding on the Cook Islands from time to time

**non-complying country** means—

- (a) any country that is not a party to the Montreal Protocol; or
- (b) a country that has not been determined, in accordance with the Montreal Protocol, to be a country that is in full compliance with Articles 2, 2A to 2J, and 4 of that Protocol, and any certificate given by the Minister of Foreign Affairs to the effect that any country is or is not a complying country is conclusive evidence of that fact

**officer** means a National Environment Officer appointed under section 25 of the Act

**ozone depletion potential** or **ODP**, in relation to a substance, means the steady-state ozone reduction for each unit mass of gas emitted into the atmosphere relative to that for a unit mass emission of CFC-11, as listed in the relevant Annexes to the Montreal Protocol and as specified in the Schedule

**party** means a country that is—

- (a) a party to the Montreal Protocol; and
- (b) in relation to provisions regulating the manufacture, importation, and exportation of—
  - (i) HCFCs, HBFCs, and methyl bromide, a party to the Copenhagen Amendment to the Montreal Protocol; or
  - (ii) bromochloromethane, a party to the Beijing Amendment to the Montreal Protocol; or
  - (iii) HFCs, a party to the Kigali Amendment to the Montreal Protocol

**plastic foam** means any plastics in a cellular mass that are formed by the use of blowing agents

**reclaimed**, in relation to any bulk recycled substance, means a recovered substance that has been reprocessed and upgraded by filtering, drying, distillation, or chemical treatment

**recovered**, in relation to any bulk recycled substance, means a substance that has been collected from machinery, equipment, or containment vessels during servicing or before disposal

**sale** means every method of disposition for valuable consideration, including barter, and includes—

- (a) the disposition to an agent for sale on consignment; and
- (b) offering or attempting to sell, or receiving or having in possession for sale, or exposing for sale, or sending or delivering for sale, or causing or permitting to be sold, offered, or exposed for sale; and
- (c) disposal by way of raffle, lottery, or other game of chance,—

and **sell** and **sold** have corresponding meanings

**solvent** means any aqueous or organic product designed to clean a component or assembly by dissolving the contaminants present on its surface.

- (2) Words used in these regulations have the same meaning as is given to them under the Act or the Montreal Protocol unless the context otherwise requires.

## **Part 1**

### **Prohibitions relating to controlled substances**

- 4 Prohibition on importation of bulk controlled substances**
- (1) The importation of any bulk controlled substance is prohibited.
  - (2) The prohibition in subclause (1) applies even if the bulk substance is a personal or household effect.
  - (3) Subclauses (1) and (2) are subject to regulations 6 and 7.
- 5 Prohibition on importation of certain goods**
- (1) Importation of the following goods is prohibited:
    - (a) any aerosol spray that contains any controlled substance specified in any of Parts 1 to 9 of the Schedule:
    - (b) any dry-cleaning machine that contains or is designed to use any controlled substance specified in any of Parts 1 to 9 of the Schedule:
    - (c) any fire extinguisher that contains any controlled substance specified in any of Parts 1 to 9 of the Schedule:
    - (d) any dehumidifier, refrigerator, freezer, air conditioner, supermarket display case, heat pump, or water cooler that contains or is designed to use any controlled substance specified in any of Parts 1 to 9 of the Schedule:
    - (e) any air-conditioning or refrigeration unit, whether fitted to a vehicle or aircraft or as mechanical components intended for use in or on a vehicle or aircraft, that contains or is designed to use any controlled substance specified in any of Parts 1 to 9 of the Schedule:
    - (f) any air-conditioning or refrigeration unit, whether fitted to a vessel or as mechanical components intended for use in or on a vessel, that contains or is designed to use any controlled substance specified in any of Parts 1 to 9 of the Schedule.
  - (2) Importation of the following goods from a non-complying country is prohibited:
    - (a) refrigerators and freezers:
    - (b) dehumidifiers and domestic and commercial refrigeration, air conditioning, and heat pump equipment:
    - (c) air conditioning and heat pump units:
    - (d) automobile and truck air conditioning units (whether incorporated in vehicles or not):
    - (e) ice machines and water coolers:
    - (f) aerosol products (other than medical aerosols):
    - (g) portable fire extinguishers:
    - (h) insulation boards, panels, and pipe covers:
    - (i) pre-polymers (a reactive mixture of isocyanate and polyol to which chlorofluorocarbons are added to make rigid plastic foams).
  - (3) The prohibitions in this regulation apply even if the goods are personal or household effects.
  - (4) Subclauses (1) to (3) are subject to regulations 6 and 7.

- 6 Exception in relation to packaging of imported goods**  
Nothing in regulation 4 or 5 makes it unlawful for any person to import any controlled substance, or any goods containing any controlled substance, that is or are used only as part of the packaging of any other imported goods.
- 7 Exemptions in relation to imports**  
The following exemptions may be given in accordance with a permit granted under Part 2 as follows:
- (a) a quarantine and pre-shipment permit for the importation of methyl bromide;
  - (b) a human health or safety permit for the importation of any controlled substance or any goods containing a controlled substance;
  - (c) an HFC permit for the importation of bulk HFC whether alone or in a mixture.
- 8 Prohibition and restrictions on export of bulk controlled substances**
- (1) The exportation of a bulk controlled substance to a non-complying country is prohibited.
  - (2) A person may not export a bulk controlled substance unless the Minister has consented in writing to the exportation in accordance with this regulation.
  - (3) Any person who proposes to export a bulk controlled substance must notify the Minister, in writing, at least 15 working days before the proposed exportation.
  - (4) The notice must give particulars of the substance that is proposed to be exported, the date and amount of the proposed exportation, and its destination.
  - (5) The Minister may not consent to the exportation unless the Minister is satisfied that allowing it would not be inconsistent with the obligations of the Cook Islands Government under the Montreal Protocol.
  - (6) Subclauses (2) to (5) are subject to subclause (1).
- 9 Prohibition on manufacture of controlled substances and certain goods**  
The manufacture in the Cook Islands of the following substances or goods is prohibited:
- (a) any controlled substance;
  - (b) any aerosol spray that contains any controlled substance;
  - (c) any plastic foam, or any goods that contain plastic foam, that is or are manufactured using any controlled substance;
  - (d) any dry-cleaning machine that contains or is designed to use any controlled substance as a solvent;
  - (e) any fire extinguisher that contains any controlled substance.

## Part 2

### Permits, registration of refrigerant imports, and handling licences

#### *Permits*

#### 10 **General principles to be applied in relation to permits**

When considering the grant of a permit under this Part, the Minister must have regard to—

- (a) the obligations of the Cook Islands under the Convention and the Montreal Protocol; and
- (b) the need to phase out ozone depleting substances, except for essential uses; and
- (c) the need to reduce the use of HFCs; and
- (d) whether any alternative products are available to be used instead of the controlled substance; and
- (e) any requirement that may be imposed in relation to the use of any controlled substance so as to minimise its effect on the ozone layer or the climate.

#### 11 **Quarantine and pre-shipment permits**

- (1) The Director may grant a permit under this regulation for the importation of methyl bromide where the Director is satisfied, after consulting the Secretary of Agriculture, that the methyl bromide will be used for legitimate quarantine applications or pre-shipment applications.

- (2) In this regulation,—

**pre-shipment applications** means any treatments applied directly preceding and in relation to export to meet the phytosanitary or sanitary requirements of the importing country or the existing phytosanitary or sanitary requirements of the exporting country

**quarantine applications** means any treatments to prevent the introduction, establishment, or spread of quarantine pests (including diseases) or to ensure their official control.

#### 12 **Human health and safety permits**

The Director may grant a permit under this regulation for the importation of any bulk controlled substance or any product containing a controlled substance where the Director is satisfied,—

- (a) after consulting the Secretary for Health, that the importation of the substance or product is necessary for human health and safety; and
- (b) that permitting the importation will not cause the Cook Islands to breach its obligations under the Convention or the Montreal Protocol (which may require approval for essential use or critical use in accordance with the Montreal Protocol).

#### 13 **Bulk HFC permits**

- (1) The Director may grant a bulk HFC permit under this regulation for importation of bulk HFCs.
- (2) A bulk HFC permit—

- (a) must specify the shipment to which it applies, and the permit is only valid for that shipment; and
  - (b) expires 45 days after its issue or the end of the calendar year (whichever comes first) even if it has not been used.
- (3) A holder of a bulk HFC permit must, within 15 days after using the permit (or its expiry without use), submit to the Director the following documents:
- (a) the permit:
  - (b) the customs declaration form in respect of the substances imported together with invoices and bills of lading necessary to show the exact quantity of substances imported, date of import, exporting country, and port of entry.

#### **14 General provisions in relation to permits**

The following provisions apply to all permits granted under this Part:

- (a) an application must be made to the Director on a form approved from time to time by the Director, or otherwise in accordance with any reasonable requirement of the Director:
- (b) the applicant must provide any further information required by the Director:
- (c) the application must be accompanied by a fee of \$200 and any additional fees that are determined by order of the Director (unless an application is made by a department or an agency of government):
- (d) a permit may not be transferred:
- (e) every permit holder must submit a report to the Director by the close of 30 January each year specifying—
  - (i) the amount of any controlled substance imported or consumed in the previous year and the uses to which the controlled substance was put; and
  - (ii) any other matter that the Director requires to be included in the report:
- (f) a permit is subject to any conditions that are imposed by the Director, including any condition requiring compliance with an approval, permission, code of practice, licence, or accreditation available in another country that relates to a controlled substance, to any equipment used in relation to a controlled substance, or to the manner in which a controlled substance may be used:
- (g) the Director may revoke a permit if the Director is satisfied that that the permit holder—
  - (i) has been convicted of an offence against the Act or these regulations, or any other offence involving ozone depleting substances; or
  - (ii) provided false or misleading information in relation to the application for the permit:
- (h) subject to regulation 13(2), a permit expires at the end of the calendar year in which it is granted and may be renewed for periods not exceeding 1 calendar year for each renewal:
- (i) all imports made under a permit are subject to section 90 of the Customs Revenue and Border Protection Act 2012.



*Registration of importers of refrigerants and equipment***15 Importers of refrigerants and equipment must register**

- (1) A person who imports any type of refrigerant must register with the Director.
- (2) A person who imports any type of applicable equipment must register with the Director.
- (3) Registration must be in the form approved by the Director or otherwise in accordance with any reasonable requirement of the Director.
- (4) A person who imports refrigerants or applicable equipment must report to the Director by the close of 30 January each year in accordance with the following requirements:
  - (a) a person who imports refrigerants must report to the Director specifying the amount of any refrigerant imported in the previous year and the uses to which the refrigerant was put; and
  - (b) a person who imports applicable equipment must report to the Director specifying the amount and type of equipment imported in the previous year, including what type of refrigerant the equipment relies on; and
  - (c) any other matter that the Director requires to be included in the report.
- (5) The report must be in the form approved by the Director or otherwise in accordance with any reasonable requirement of the Director.
- (6) A person who fails to report as required by subclause (4) must be removed from the register and may not import refrigerants or applicable equipment, as the case may be.
- (7) A person who has been removed from the register may be restored to the register after providing the information specified in subclause (4) or if the Director considers that special circumstances exist for restoring the person to the register.
- (8) This regulation does not apply to personal or household effects.
- (9) In this regulation,—

**applicable equipment** means refrigeration or air-conditioning equipment  
**refrigerant** includes refrigerants that are not, or do not contain, a controlled substance.

*Handling licence***16 Handling licence**

- (1) The Director may grant the following types of handling licences:
  - (a) a handling licence to handle controlled substances or alternative substances;
  - (b) a trainee handling licence to handle controlled substances or alternative substances.
- (2) A person must not handle controlled substances or alternative substances except in accordance with a handling licence or trainee handling licence.

**17 Provisions relating to handling licences**

- (1) The following provisions apply to handling licences and trainee handling licences granted or to be granted under regulation 16:

- (a) an application must be made to the Director on a form approved by the Director, or otherwise in accordance with any reasonable requirement of the Director;
  - (b) the applicant must provide the evidence required by subclause (2) and any further information required by the Director;
  - (c) a licence may not be transferred;
  - (d) a licence is subject to any conditions imposed by the Director, including any condition requiring compliance with any approval, permission, code of practice, licence, or accreditation available in another country that relates to any controlled substance, to any equipment used in relation to a controlled substance, or to the manner in which a controlled substance may be used;
  - (e) a trainee licence holder must be supervised by a person who holds a handling licence;
  - (f) a licence is valid for the period specified in the licence, which may not exceed 2 years;
  - (g) a person applying to renew a licence must apply before the licence expires and in accordance with paragraphs (a) and (b).
- (2) An application must be accompanied by evidence to the Director's satisfaction,—
- (a) for a handling licence, that the applicant—
    - (i) holds certificate III in refrigeration and air conditioning (or a higher qualification) from a registered provider approved to deliver the accredited course to which the certificate relates; and
    - (ii) has at least 5 years' experience in the industry and has completed the Good Practices in Refrigeration (GPR) course or an equivalent qualification recognised by the Director;
  - (b) for a trainee handling licence, that the applicant will be under the supervision of a person holding a handling licence and the applicant—
    - (i) is enrolled in a course that, on completion, entitles the applicant to be awarded certificate III in refrigeration and air conditioning (or a higher qualification) from a registered provider approved to deliver the accredited course to which the certificate relates; or
    - (ii) has at least 1 year's experience in the industry and has completed the Good Practices in Refrigeration (GPR) course or an equivalent qualification recognised by the Director.

### **Part 3**

#### **Enforcement, offences, and miscellaneous**

##### *Seizure, forfeiture, and call-up of controlled substances and goods*

#### **18 Seizure of substances and goods**

- (1) Any officer exercising a power under the Act or the Customs Revenue and Border Protection Act 2012 may seize an item described in subsection (2) if the officer reasonably suspects that the item is the subject of a breach of a prohibition under these regulations.

- (2) The following types of items may be seized:
  - (a) a controlled substance;
  - (b) goods containing a controlled substance;
  - (c) equipment using or for use in connection with a controlled substance.
- (3) Any controlled substance, goods, or equipment seized under this regulation—
  - (a) must be stored at a place, and in a manner, in accordance with any direction given by the Director; and
  - (b) may be retained until the owner or the person from whom the item was seized has satisfied the Director that it is not or has not been the subject of a breach of a prohibition under these regulations.
- (4) The controlled substance, goods, or equipment may be disposed of or destroyed in a manner directed by the Director if—
  - (a) it is agreed by the owner of the substance, goods, or equipment that the owner is in breach of a prohibition under these regulations; or
  - (b) the owner has not satisfied the Director under subclause (3)(b) within 6 months after the date of seizure.
- (5) On conviction for an offence against this regulation, the court may, if it thinks fit, order the offender to pay compensation to the National Environment Service in accordance with subclause (6) in addition to imposing a penalty.
- (6) The court may order any sum of compensation that it considers reasonable to cover the cost of the destruction of the controlled substance, goods, or equipment.
- (7) The amount of compensation ordered is a judgment debt due to the National Environment Service and may be enforced in any manner that a judgment or an order of the court for payment of a civil debt may be enforced.

#### **19 Forfeiture of seized substances and goods**

- (1) All goods listed in the Schedule are forfeited to the Crown to be disposed of or destroyed in a manner determined by the Director.
- (2) Goods forfeited under subclause (1) are in addition to those declared forfeited in the Customs Revenue and Border Protection Act 2012.

#### **20 Call-up of substances and goods**

The Director may, from time to time, issue a public notice requiring that any controlled substance or alternative substance, any goods containing a controlled substance or alternative substance, or any equipment using or used in connection with any controlled substance or alternative substance must—

- (a) be stored or handled in accordance with any direction given by the Director;
- (b) be delivered at a designated time to a designated place for storage or disposal or destruction;
- (c) be otherwise disposed of or destroyed in accordance with any direction given by the Director.

*Discharge of controlled substances***21 Discharge of controlled substance into atmosphere**

No person may, in the course of installing, operating, servicing, dismantling, or otherwise handling equipment used in relation to a controlled substance, wilfully or negligently permit any controlled substance to be discharged into the atmosphere.

*Offences and penalties***22 Offences and penalties**

- (1) A person commits an offence if the person knowingly or without lawful justification or excuse—
- (a) contravenes a prohibition under Part 1; or
  - (b) aids or abets any person in contravening a prohibition under Part 1; or
  - (c) conspires with any person to contravene a prohibition under Part 1.
- (2) A person commits an offence if the person knowingly or without lawful justification or excuse—
- (a) fails to comply with any condition of a permit granted under Part 2; or
  - (b) fails to comply with a notice issued by the Minister under regulation 20; or
  - (c) contravenes regulation 21.
- (3) A person (whether an individual or a body corporate) who or that commits an offence under subclause (1) or (2) is liable on conviction to a fine not exceeding \$50,000.
- (4) The penalty in subclause (3) is in addition to the penalties in section 59(2) and (3) of the Act.

*Revocation***23 Revocation**

The Environment Act (Ozone Layer Protection) Regulations 2008 are revoked.

## Schedule Controlled substances

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### Part 1 CFCs (chlorofluorocarbons)

| Chemical formula                              | Substance | Ozone-depleting potential* | 100-year global warming potential |
|-----------------------------------------------|-----------|----------------------------|-----------------------------------|
| CFCl <sub>3</sub>                             | CFC-11    | 1.0                        | 4,750                             |
| CF <sub>2</sub> Cl <sub>2</sub>               | CFC-12    | 1.0                        | 10,900                            |
| C <sub>2</sub> F <sub>3</sub> Cl <sub>3</sub> | CFC-113   | 0.8                        | 6,130                             |
| C <sub>2</sub> F <sub>4</sub> Cl <sub>2</sub> | CFC-114   | 1.0                        | 10,000                            |
| C <sub>2</sub> F <sub>5</sub> Cl              | CFC-115   | 0.6                        | 7,370                             |

### Part 2 Halons

| Chemical formula                              | Substance  | Ozone-depleting potential* |
|-----------------------------------------------|------------|----------------------------|
| CF <sub>2</sub> BrCl                          | halon-1211 | 3.0                        |
| CF <sub>3</sub> Br                            | halon-1301 | 10.0                       |
| C <sub>2</sub> F <sub>4</sub> Br <sub>2</sub> | halon-2402 | 6.0                        |

### Part 3 Other CFCs (chlorofluorocarbons)

| Chemical formula                              | Substance | Ozone-depleting potential* |
|-----------------------------------------------|-----------|----------------------------|
| CF <sub>3</sub> Cl                            | CFC-13    | 1.0                        |
| C <sub>2</sub> FCl <sub>5</sub>               | CFC-111   | 1.0                        |
| C <sub>2</sub> F <sub>2</sub> Cl <sub>4</sub> | CFC-112   | 1.0                        |
| C <sub>3</sub> FCl <sub>7</sub>               | CFC-211   | 1.0                        |
| C <sub>3</sub> F <sub>2</sub> Cl <sub>6</sub> | CFC-212   | 1.0                        |
| C <sub>3</sub> F <sub>3</sub> Cl <sub>5</sub> | CFC-213   | 1.0                        |
| C <sub>3</sub> F <sub>4</sub> Cl <sub>4</sub> | CFC-214   | 1.0                        |
| C <sub>3</sub> F <sub>5</sub> Cl <sub>3</sub> | CFC-215   | 1.0                        |
| C <sub>3</sub> F <sub>6</sub> Cl <sub>2</sub> | CFC-216   | 1.0                        |
| C <sub>3</sub> F <sub>7</sub> Cl              | CFC-217   | 1.0                        |

### Part 4 Carbon tetrachloride

| Chemical formula | Substance            | Ozone-depleting potential* |
|------------------|----------------------|----------------------------|
| CCl <sub>4</sub> | Carbon tetrachloride | 1.1                        |

### Part 5 Methyl chloroform

| Chemical formula                              | Substance             | Ozone-depleting potential* |
|-----------------------------------------------|-----------------------|----------------------------|
| C <sub>2</sub> H <sub>3</sub> Cl <sub>3</sub> | 1,1,1-trichloroethane | 1.1                        |

This formula does not refer to 1,1,2-trichloroethane.

### Part 6 HBFCs (hydrobromofluorocarbons)

| Chemical formula                                             | Substance   | Number of isomers | Ozone-depleting potential* |
|--------------------------------------------------------------|-------------|-------------------|----------------------------|
| CHFBr <sub>2</sub>                                           |             | 1                 | 1                          |
| CHF <sub>2</sub> Br                                          | (HBFC-22B1) | 1                 | 0.74                       |
| CH <sub>2</sub> FBr                                          |             | 1                 | 0.73                       |
| C <sub>2</sub> HFBr <sub>4</sub>                             |             | 2                 | 0.3–0.8                    |
| C <sub>2</sub> HF <sub>2</sub> Br <sub>3</sub>               |             | 3                 | 0.5–1.8                    |
| C <sub>2</sub> HF <sub>3</sub> Br <sub>2</sub>               |             | 3                 | 0.4–1.6                    |
| C <sub>2</sub> HF <sub>4</sub> Br                            |             | 2                 | 0.7–1.2                    |
| C <sub>2</sub> H <sub>2</sub> FBr <sub>3</sub>               |             | 3                 | 0.1–1.1                    |
| C <sub>2</sub> H <sub>2</sub> F <sub>2</sub> Br <sub>2</sub> |             | 4                 | 0.2–1.5                    |
| C <sub>2</sub> H <sub>2</sub> F <sub>3</sub> Br              |             | 3                 | 0.7–1.6                    |
| C <sub>2</sub> H <sub>3</sub> FBr <sub>2</sub>               |             | 3                 | 0.1–1.7                    |
| C <sub>2</sub> H <sub>3</sub> F <sub>2</sub> Br              |             | 3                 | 0.2–1.1                    |
| C <sub>2</sub> H <sub>4</sub> FBr                            |             | 2                 | 0.07–0.1                   |
| C <sub>3</sub> HFBr <sub>6</sub>                             |             | 5                 | 0.3–1.5                    |
| C <sub>3</sub> HF <sub>2</sub> Br <sub>5</sub>               |             | 9                 | 0.2–1.9                    |
| C <sub>3</sub> HF <sub>3</sub> Br <sub>4</sub>               |             | 12                | 0.3–1.8                    |
| C <sub>3</sub> HF <sub>4</sub> Br <sub>3</sub>               |             | 12                | 0.5–2.2                    |
| C <sub>3</sub> HF <sub>5</sub> Br <sub>2</sub>               |             | 9                 | 0.9–2.0                    |
| C <sub>3</sub> HF <sub>6</sub> Br                            |             | 5                 | 0.7–3.3                    |
| C <sub>3</sub> H <sub>2</sub> FBr <sub>5</sub>               |             | 9                 | 0.1–1.9                    |
| C <sub>3</sub> H <sub>2</sub> F <sub>2</sub> Br <sub>4</sub> |             | 16                | 0.2–2.1                    |
| C <sub>3</sub> H <sub>2</sub> F <sub>3</sub> Br <sub>3</sub> |             | 18                | 0.2–5.6                    |
| C <sub>3</sub> H <sub>2</sub> F <sub>4</sub> Br <sub>2</sub> |             | 16                | 0.3–7.5                    |
| C <sub>3</sub> H <sub>2</sub> F <sub>5</sub> Br              |             | 8                 | 0.9–1.4                    |
| C <sub>3</sub> H <sub>3</sub> FBr <sub>4</sub>               |             | 12                | 0.08–1.9                   |
| C <sub>3</sub> H <sub>3</sub> F <sub>2</sub> Br <sub>3</sub> |             | 18                | 0.1–3.1                    |

| Chemical formula | Substance | Number of isomers | Ozone-depleting potential* |
|------------------|-----------|-------------------|----------------------------|
| $C_3H_3F_3Br_2$  |           | 18                | 0.1–2.5                    |
| $C_3H_3F_4Br$    |           | 12                | 0.3–4.4                    |
| $C_3H_4FBr_3$    |           | 12                | 0.03–0.3                   |
| $C_3H_4F_2Br_2$  |           | 16                | 0.1–1.0                    |
| $C_3H_4F_3Br$    |           | 12                | 0.07–0.8                   |
| $C_3H_5FBr_2$    |           | 9                 | 0.04–0.4                   |
| $C_3H_5F_2Br$    |           | 9                 | 0.07–0.8                   |
| $C_3H_6FBr$      |           | 5                 | 0.02–0.7                   |

### Part 7 HCFCs (hydrochlorofluorocarbons)

| Chemical formula  | Substance  | Number of isomers | Ozone-depleting potential* | 100-year global warming potential |
|-------------------|------------|-------------------|----------------------------|-----------------------------------|
| $CHFCl_2$         | HCFC-21    | 1                 | 0.04                       | 151                               |
| $CHF_2Cl$         | HCFC-22    | 1                 | 0.055                      | 1,810                             |
| $CH_2FCl$         | HCFC-31    | 1                 | 0.02                       |                                   |
| $C_2HFCl_4$       | HCFC-121   | 2                 | 0.01–0.04                  |                                   |
| $C_2HF_2Cl_3$     | HCFC-122   | 3                 | 0.02–0.08                  |                                   |
| $C_2HF_3Cl_2$     | HCFC-123   | 3                 | 0.02–0.06                  | 77                                |
| $CHCl_2CF_3$      | HCFC-123   | —                 | 0.02                       |                                   |
| $C_2HF_4Cl$       | HCFC-124   | 2                 | 0.02–0.04                  | 609                               |
| $CHFClCF_3$       | HCFC-124   | —                 | 0.022                      |                                   |
| $C_2H_2FCl_3$     | HCFC-131   | 3                 | 0.007–0.05                 |                                   |
| $C_2H_2F_2Cl_2$   | HCFC-132   | 4                 | 0.008–0.05                 |                                   |
| $C_2H_2F_3Cl$     | HCFC-133   | 3                 | 0.02–0.06                  |                                   |
| $C_2H_3FCl_2$     | HCFC-141   | 3                 | 0.005–0.07                 |                                   |
| $CH_3CFCl_2$      | HCFC-141b  | —                 | 0.11                       | 725                               |
| $C_2H_3F_2Cl$     | HCFC-142   | 3                 | 0.008–0.07                 |                                   |
| $CH_3CF_2Cl$      | HCFC-142b  | —                 | 0.065                      | 2,310                             |
| $C_2H_4FCl$       | HCFC-151   | 2                 | 0.003–0.005                |                                   |
| $C_3HFCl_6$       | HCFC-221   | 5                 | 0.015–0.07                 |                                   |
| $C_3HF_2Cl_5$     | HCFC-222   | 9                 | 0.01–0.09                  |                                   |
| $C_3HF_3Cl_4$     | HCFC-223   | 12                | 0.01–0.08                  |                                   |
| $C_3HF_4Cl_3$     | HCFC-224   | 12                | 0.01–0.09                  |                                   |
| $C_3HF_5Cl_2$     | HCFC-225   | 9                 | 0.02–0.07                  |                                   |
| $CF_3CF_2CHCl_2$  | HCFC-225ca | —                 | 0.025                      | 122                               |
| $CF_2ClCF_2CHClF$ | HCFC-225cb | —                 | 0.033                      | 595                               |
| $C_3HF_6Cl$       | HCFC-226   | 5                 | 0.02–0.10                  |                                   |
| $C_3H_2FCl_5$     | HCFC-231   | 9                 | 0.05–0.09                  |                                   |
| $C_3H_2F_2Cl_4$   | HCFC-232   | 16                | 0.008–0.10                 |                                   |
| $C_3H_2F_3Cl_3$   | HCFC-233   | 18                | 0.007–0.23                 |                                   |
| $C_3H_2F_4Cl_2$   | HCFC-234   | 16                | 0.01–0.28                  |                                   |
| $C_3H_2F_5Cl$     | HCFC-235   | 9                 | 0.03–0.52                  |                                   |

| Chemical formula | Substance | Number of isomers | Ozone-depleting potential* | 100-year global warming potential |
|------------------|-----------|-------------------|----------------------------|-----------------------------------|
| $C_3H_3FCl_4$    | HCFC-241  | 12                | 0.004–0.09                 |                                   |
| $C_3H_3F_2Cl_3$  | HCFC-242  | 18                | 0.005–0.13                 |                                   |
| $C_3H_3F_3Cl_2$  | HCFC-243  | 18                | 0.007–0.12                 |                                   |
| $C_3H_3F_4Cl$    | HCFC-244  | 12                | 0.009–0.14                 |                                   |
| $C_3H_4FCl_3$    | HCFC-251  | 12                | 0.001–0.01                 |                                   |
| $C_3H_4F_2Cl_2$  | HCFC-252  | 16                | 0.005–0.04                 |                                   |
| $C_3H_4F_3Cl$    | HCFC-253  | 12                | 0.003–0.03                 |                                   |
| $C_3H_5FCl_2$    | HCFC-261  | 9                 | 0.002–0.02                 |                                   |
| $C_3H_5F_2Cl$    | HCFC-262  | 9                 | 0.002–0.02                 |                                   |
| $C_3H_6FCl$      | HCFC-271  | 5                 | 0.001–0.03                 |                                   |

### Part 8 Methyl bromide

| Chemical formula | Substance          | Ozone-depleting potential* |
|------------------|--------------------|----------------------------|
| $CH_3Br$         | (Mono)bromomethane | 0.6                        |

### Part 9 Bromochloromethane

| Substance  | Number of isomers | Ozone-depleting potential* |
|------------|-------------------|----------------------------|
| $CH_2BrCl$ | 1                 | 0.12                       |

#### \*Notes

Ozone-depleting potential is determined in accordance with the relevant Annexes to the Montreal Protocol.

Where a range of ODPs is indicated, the highest ODP value in that range shall be used for the purposes of the Protocol. The ODPs listed as a single value have been determined from calculations based on laboratory measurements. Those listed as a range are based on estimates and are less certain. The range pertains to an isomeric group. The upper value is the estimate of the ODP of the isomer with the highest ODP, and the lower value is the estimate of the ODP of the isomer with the lowest ODP.

### Part 10 HFCs (hydrofluorocarbons)

| Chemical formula | Substance | 100-year global warming potential |
|------------------|-----------|-----------------------------------|
| $CHF_2CHF_2$     | HFC-134   | 1,100                             |



| Chemical formula                                                  | Substance    | 100-year global warming potential |
|-------------------------------------------------------------------|--------------|-----------------------------------|
| CH <sub>2</sub> FCF <sub>3</sub>                                  | HFC-134a     | 1,430                             |
| CH <sub>2</sub> FCHF <sub>2</sub>                                 | HFC-143      | 353                               |
| CHF <sub>2</sub> CH <sub>2</sub> CF <sub>3</sub>                  | HFC-245fa    | 1,030                             |
| CF <sub>3</sub> CH <sub>2</sub> CF <sub>2</sub> CH <sub>3</sub>   | HFC-365mfc   | 794                               |
| CF <sub>3</sub> CHF <sub>2</sub> CF <sub>3</sub>                  | HFC-227ea    | 3,220                             |
| CH <sub>2</sub> FCF <sub>2</sub> CF <sub>3</sub>                  | HFC-236cb    | 1,340                             |
| CHF <sub>2</sub> CHF <sub>2</sub> CF <sub>3</sub>                 | HFC-236ea    | 1,370                             |
| CF <sub>3</sub> CH <sub>2</sub> CF <sub>3</sub>                   | HFC-236fa    | 9,810                             |
| CH <sub>2</sub> FCF <sub>2</sub> CHF <sub>2</sub>                 | HFC-245ca    | 693                               |
| CF <sub>3</sub> CHF <sub>2</sub> CHF <sub>2</sub> CF <sub>3</sub> | HFC-43-10mee | 1,640                             |
| CH <sub>2</sub> F <sub>2</sub>                                    | HFC-32       | 675                               |
| CHF <sub>2</sub> CF <sub>3</sub>                                  | HFC-125      | 3,500                             |
| CH <sub>3</sub> CF <sub>3</sub>                                   | HFC-143a     | 4,470                             |
| CH <sub>3</sub> F                                                 | HFC-41       | 92                                |
| CH <sub>2</sub> FCH <sub>2</sub> F                                | HFC-152      | 53                                |
| CH <sub>3</sub> CHF <sub>2</sub>                                  | HFC-152a     | 124                               |
| CHF <sub>3</sub>                                                  | HFC-23       | 14,800                            |

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JJ Browne

Clerk of the Executive Council

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These regulations are administered by the National Environment Service,  
Tu'anga Taporoporo

These regulations were made on the \_\_\_\_\_ day of \_\_\_\_\_ 2021.